

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:

KIMBERLY KAY BLAIR

Debtor

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CASE NO. 05-18688

DECISION AND ORDER

At Fort Wayne, Indiana, on December 22, 2005

By the court's order of December 2, 2005, the debtor was directed to file a certification which fully complied with the requirements of § 109(h) and demonstrated eligibility for relief under Title 11. The failure to do so was to result in dismissal without further notice or hearing. On December 21, 2005, the debtor filed a response to the court's order. This response, unfortunately, is not sufficient or "satisfactory to the court."

The debtor's response indicates that the debtor was not aware of the credit counseling requirement, but given the opportunity to obtain the counseling she will do so. Despite the debtor's submission, the debtor has failed to demonstrate that the counseling was completed during the 180 days prior to filing, as is required. 11 U.S.C. § 109(h). Furthermore, the debtor has failed to demonstrate that she qualifies for a waiver of that requirement by filing a certification describing "exigent circumstances" which necessitated the immediate filing of a bankruptcy petition without waiting for the completion of credit counseling, and which "states that the debtor requested credit counseling . . . but was unable to obtain [it]" within five days. 11 U.S.C. § 109(h)(3)(A)(i-iii). All the debtor has done is show a willingness to obtain credit counseling at some point. That is not enough.

The debtor has not fulfilled the requirements of § 109(h) and is not eligible for relief under

the United States Bankruptcy Code. This case is therefore dismissed, without prejudice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court